

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA
AT MARTINSBURG**

DALE BERNARD BEARD, JR.,

Plaintiff,

vs.

Civil Action No. 3:23-CV-193(Groh)

**DANIEL E. SMITH, individually
ADAM ALBAUGH, individually,**

Defendants.

CERTIFICATE OF SERVICE

I, John H. Bryan, do hereby certify that I have delivered a true copy of the foregoing, **"PLAINTIFF'S RESPONSE TO THE DEFENDANTS' FIRST SET OF COMBINED INTERROGATORIES, REQUESTS FOR ADMISSIONS, AND REQUESTS FOR PRODUCTION OF DOCUMENTS DIRECTED TO PLAINTIFF,** has been served upon counsel of record by using the CM/ECF System, this the 22nd day of July, 2024 and addressed as follows:

Keith C. Gamble
Pullin, Fowler, Flanagan, Brown & Poe, PLLC
2414 Cranberry Square
Morgantown, WV 26508

/s/ John H. Bryan
John H. Bryan (WV Bar No. 10259)
P.O. Box 366
Union, WV 24983
(304) 772-4999
Fax: (304) 772-4998
jhb@johnbryanlaw.com

Response: Keith Wheaton, Esq. and Andie Henderson, Esq.
Berkeley County Public Defenders office

Interrogatory No. 17: Have you ever been involved, as a Plaintiff, witness, or Defendant in any other civil actions? If so, please provide the names of the parties to each civil action, where the civil action was filed, and the nature of the civil action and the result of the civil action.

Response: 2001: Plaintiff, Washington County, Maryland, back injury. I won case.

2000: Plaintiff, Berkeley County, West Virginia, car accident. I won case.

2023: Defendant/Co-Defendant, Berkeley County, West Virginia, illegal occupation, I lost case.

Interrogatory No. 18: Please state, if you have ever made allegations, complaints or claims of other misconduct, against any other police officer or government official for any reason. If yes, please describe each incident, the officer/official agent of whom you complained, the date, and location of the incident.

Response: 2007-2009; Complaint against Martinsburg City Police officer, Teresa Gibbons, for a false DUI arrest, Martinsburg, West Virginia.

Complaint against Berkeley County Sheriff's Chief Deputy, Tom Young, Deputy Sheriff's Matt Reyhann (?) and Deputy Humphries, Sheriff's Deputy Sargent Shoppert. For raping underage girls in Berkeley County, complaint is still on going.

June 2021; Complaint against Lieutenant North of the West Virginia State Police for stating that he would make up charges against me.

Complaint against Berkeley County Legal Director, Anthony Delighatti.

He's currently withholding public records regarding case. Still on going,

Complaint against Catie Wilkes-Delighati, she is protecting her husband, Anthony Delighatti. He is breaking the law and she refuses to prosecute.

2023; Complaint against Deputy Zelle of the Berkeley County Sheriff's Office for threatening arrest towards me for a constitutionally protected activity.

August 2023; Complaint against Berkeley County Sheriff's Deputy and the school resource officer, Deputy Strickler, for beating up an elderly woman in front of my child.

March 2023; Complaint against a West Virginia State Trooper for trying to threaten me into identifying myself. I cannot remember his name.

Interrogatory No. 19: Have you ever been arrested, charged or convicted of any crime? If so, please state the nature of the offense charged or for which you were convicted, the date of the charge or conviction, the disposition of the charge or the conviction, and the location of the charge or conviction.

Response: Yes. DUI, Assault and Battery, Domestic Violence, Destruction of Property, Obstruction, Berkeley County.

Interrogatory No. 20: If you are making a claim for loss of income, business interruption, and/or wages, please identify the dates and/or amounts lost that you allegedly sustained in the incident in question, provide any and all amounts of losses you are claiming and provide the method used to calculate the alleged losses.

Response: None.